

## WHAT COLLEGE WOMEN SHOULD KNOW ABOUT SEXUAL ASSAULT, RAPE and SEXUAL BATTERY

*Test yourself on this sexual assault knowledge test. One wrong answer can change your life forever.*

### **Matt and Brandy**

Sophomore Matt and freshman Brandy start hanging out. There's definitely chemistry between them. After a few weeks, Spring Break comes around and they agree to go away for two days to Rosarito Beach.

They've gotten close but haven't had sex, although she's spent the night in his room. His friends' say to him, "She'll loosen up with a little tequila."

In Rosarito Beach, Matt and Brandy start doing shots of tequila. Back in the room they start fooling around. She tells him the room is spinning and that she feels sick and thinks she is going to pass out from all the tequila. He says "Don't worry" and they have sex.

In the morning she says to Matt angrily, "What did we do!?"

### **Is this Rape?**

Yes, someone who says they are about to pass out from alcohol (or drugs) is not in a position to give consent to sex. In California, the law says an intoxicated person may be incapable of resisting and therefore cannot give consent. Because this crime occurred in Mexico, Mexican authorities would investigate this case and Mexican law would apply.

### **It's a Fact**

Recent studies indicate that alcohol and drug use can either:

- Increase one's risk of being victimized or
- Increase one's risk of being an offender in a sexual assault.

### **Jim and Jessica**

Junior Jim and senior Jessica have been dating for several months; they have had sex several times. She's visiting his apartment.

They start fooling around, she stops him at one point and says, "Not tonight," he says, "Come on."

He pushes her to the bed, thinking she's just teasing him. He enters her.

She says afterwards, "I told you I didn't want to." He says, "I thought you were just kidding

*Is this Rape?*

Yes, because consent was not given. In some cases, a woman might physically resist but simply saying "No" or "Stop" is sufficient under the law to indicate a lack of consent. In addition, it is important to note, consent is not implied simply because she's visiting his apartment or because they have had sex before.

*John and Angela*

Sophomore John and sophomore Angela are in the same English class.

After study group one night, they go back to his room. They start kissing. He touches her breasts, she moves his hand away, he puts it back. She moves it away again.

He puts his hand under her skirt. She says stop; he tries again; she moves his hand away again.

*Is this Rape?*

No, but it IS sexual battery, a misdemeanor, and in some cases a felony, under California Law.

Unwanted sexual touching constitutes sexual battery. Consent for all sexual touching is required.

In addition, if he continues to ignore her words and persists in the same way, he could be arrested for attempted rape.

*Dan and Jennifer*

For the past 2 months, freshman Dan has been seeing freshman Jennifer. She goes back to his room one night and they start fooling around. She says she isn't ready to have sex with him and they do everything but that. He says, "I know you have had sex with your other boyfriends." She says, "Yeah, but I'm not ready with you."

That night he keeps pressing the issue and each time he asks, she says "no." She must have said "no" 15 times. She becomes so tired of the incessant asking, she finally agrees.

*Is this Rape?*

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No, if consent was freely given. However, insisting after someone says “no,” especially repeatedly “no,” is not a caring or respectful approach to having sexual relations. In addition, if she agreed to have sex out of a sense of coercion, then it is considered rape.

If you have trouble talking directly about sex with the person you are with, then you may feel more comfortable using a hypothetical situation such as talking about a situation your friend was in. For instance, you could say to the person you are seeing something like, “Hey, can you believe what happened to my friend, Anne, she went out with this guy only twice and at the end of the night he was all over her.”

This may allow you to start a conversation that establishes how you want your relations to proceed and may reveal whether the other person’s expectations match your own. Both women and men have the right to determine what is appropriate for them according to their beliefs and values.

### **Ty and Carrie**

Ty and Carrie and a group of friends go to a party in Mission Beach. They start walking along the boardwalk and party hop from house to house.

Ty and Carrie end up at Ty’s apartment. They’ve had a great evening. Carrie knows she does not want to have sex with Ty, it’s their first time alone, but things are moving pretty quickly.

His hands are under her shirt and she starts telling him “no” repeatedly.

Ty thinks every time Carrie says “no,” she just wants to make sure that he doesn’t think she’s “easy”, after all, he knows how quickly a girl can get a reputation on campus.

### **What’s happening here?**

A woman can go back to a man’s house without wanting to have sex, however, it does put her in a more vulnerable situation that she should be cognizant of and plan for.

Women need to say “no” clearly and make sure that the person they are with understands that when they say “no” they mean it. Women who say “no” when they really mean to slightly delay saying “yes” do a tremendous disservice to other women and put them in potentially confusing circumstances with harmful consequences.

If the man does not seem to understand “no,” the woman should make every effort to leave.

### **Kirsten and Josh**

Kirsten, a freshman, is dating Josh, a star athlete on one of the teams. They met at an event during orientation week. Actually, she thinks they're dating, but he's got a girlfriend at home and doesn't mind seeing what's out there.

One night, they hook up back in his room, but things go further than she wants. She says "No" several times, but he ignores that and has sex with her.

That night, as she walks home, Kirsten thinks about what happened that evening. She doesn't understand why Josh proceeded after she said "No." Even though he was nearly twice her size, she tries to remember how much she resisted.

The next day, she tries to concentrate in class, but her mind keeps drifting to this incident. She wonders, should she have done more to resist?

Kirsten tells her best friend about what happened, but the friend can't believe her. After all, so many people on campus admire Josh. Her friend says that she may be confused and advises her not to say anything about the incident. Kirsten thinks about this for a week; if her best friend doesn't believe her, who will?

Finally, even though she is scared, Kirsten decides to report the incident to the police. Her biggest fear is that if she doesn't report it, Josh will rape some other unsuspecting girl.

The police interview her and a sex crimes detective is assigned to her case. Kirsten learns that although it will take the criminal justice system a long time to conduct a thorough investigation, she feels empowered knowing that she has taken a stand against something that shouldn't have happened to her.

### **Is Reporting the Right Decision?**

Yes, but for each victim it is a personal decision that involves weighing many factors. However, it is important to remember that no one has a right to have sex with another person without their full consent. In addition, if you decide to report, it should be done as soon as possible because evidence may be lost making investigation and prosecution more difficult.

### **Melissa and Rico**

Melissa and Rico are hanging out at her friend Patricia's house after a party. They just met at the party, but she's heard a lot of good things about Rico because he's Patricia's cousin. Melissa thinks Rico is hot.

Patricia tells Melissa that she wants to go to another party at one of the other universities in town. Melissa says she'll meet up with her later.

Rico takes Melissa into one of the bedrooms and they start messing around. She's a virgin and has no intentions of going beyond oral sex.

He says, "I want you." He tries to take off her panties. She pushes his hands away, unbuttons his jeans and starts to perform oral sex on him.

At one point, he pushes her back on the bed, thinking that because she performed oral sex on him, she wanted to have intercourse with him. He starts to enter her, and she says "No". He keeps going. She says "No" again, but by this time he's not really listening.

### *Is This Rape?*

Yes. Even though she agreed to oral sex, and in fact she initiated it, the law in California says that at each stage of sex one needs consent. So, consent to oral sex does not imply consent to sexual intercourse.

### *Be Self-Aware*

Know when you or the person you are with is starting to cross the line.

### *Friends*

Jake, Brian, and Mike go to the movies with Chrissy, Maria and Soledad. They all know each other from one of their classes.

Afterwards, they go back to Mike's place in Pacific Beach to kick it. After some drinks, Mike and Soledad start hanging out on the couch. The other friends leave.

One thing leads to another and they start kissing. After a while, Soledad finds Mike forcing himself on her. She didn't mind kissing him, but she didn't want to do anything else. She keeps telling him "No" and saying, "Hey, I don't know you that well, stop." He's maneuvered her panties down, opened his pants and starts to enter her. She says, "If you're gonna do this, put a condom on."

### *Is This Rape?*

Yes, she has said “no”. Consent was never given and asking for a condom is not considered consent under California law.

### *Did You Know?*

In San Diego, 75% of rapes are committed by someone the victim knows, as opposed to a stranger. While most rapes involve acquaintances, approximately one-quarter involves strangers. So, take precautions to be safe when outside or even inside your home. For instance, try not to walk alone and when in your residence hall or apartment, keep your doors and windows locked.

### *Jasmine and Chaz*

Sophomore Jasmine wakes up in bed next to Chaz, a guy she met at a party the night before. The party was at Chaz’s house and Jasmine and her friends partied there because they knew a couple of Chaz’s roommates who had invited them over. Jasmine can’t remember how she ended up in bed with Chaz.

She jumps out of the bed, gets dressed and says to Chaz, “What happened?” He says, “You know, we had a great time.” She knows she never would have agreed to have sex with him; she’s a virgin.

She starts thinking back to the night before. She remembers thinking that he was cute and talking with him in the kitchen. She drank several beers and so did he. She remembers kissing him in the hallway and then remembers her friends asking if she was ready to go to another party with them. She told them that she’d meet up with them in about an hour. She doesn’t remember anything after that.

### *What’s Happened Here?*

Jasmine may have been raped and Chaz may have facilitated the rape by slipping a drug into her drink.

GHB and Rohypnol (commonly known as roofies, roche, R-2, rib and rope) are two of the most widely known drugs used to facilitate rape.

Rohypnol is 10 times more powerful than Valium and can erase one’s memory when used. In 1997, the manufacturer of Rohypnol redesigned the drug to turn blue as it dissolves to help alert unsuspecting victims, however, this is not a panacea. If slipped into a dark drink, Rohypnol will simply turn the drink murky.

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Other drugs that are being used to facilitate rape include Valium, Soma, Rivotril, Xanax and Atavan. If a controlled substance is given to facilitate a rape, it is a federal crime.

**Avoid Being Drugged.**

Don't leave any drinks unattended, don't drink from a punch bowl and don't drink any beverage that you did not open yourself and keep in your possession. If this is unrealistic, make sure that you have pre-arranged with friends to watch out for one another.

**What if You are Drugged and Sexually Assaulted?**

Go to a safe place immediately and get help (police and medical care). If you go directly to a hospital, tell them what happened. In addition to diagnostic tests, ask the hospital to take an additional urine sample so that the police can analyze it for any substance that might have been used to either incapacitate you or remove your ability to give consent (even if the drug was self-ingested). Preserve evidence, even if you may not want to press criminal charges immediately. If the evidence is preserved, it can be used to strengthen the case if you later decide to prosecute.

**Definitions:**

**Rape** - Rape is an act of penile/vaginal intercourse committed without the consent of the victim. Sexual penetration, however slight, completes the act of rape.

**Sexual Battery** - Sexual battery is the touching of an intimate part of another person without the other's consent for the purpose of sexual arousal.

**Sexual Assault** - Sexual assault includes rape, sexual battery, non-consensual sodomy, non-consensual oral copulation, and non-consensual penetration by a foreign object, even a finger.

**Consent** - Consent means agreeing to an action freely, voluntarily and with knowledge of the nature of the act. Consent cannot be given by a person under the age of 18 years. Having sex with a person under the age of 18 will lead to serious legal consequences.

**Additional Information:**

- 99 percent of rape suspects are males but men can also be victims of sexual assault. As a result, reporting is also an option for them.\_

- To report a rape or other sexual assault, contact your college police or Public Safety department if on campus. In an emergency, call 911. If the immediate emergency has passed, call the SDPD at 619-531-2000.
- If you are unclear about a situation you or a friend have experienced and need advice, call the San Diego Rape Hotline (Center for Community Solutions) at 858-272-1767 or the SDPD Sex Crimes Unit at 619-531-2325.
- All universities in San Diego have counseling centers and religious ministry counselors who can provide support and healing to sexual assault victims.
- In addition to arrest and sanctions under the criminal law, a student found to have sexually assaulted another person can also be subject to university disciplinary measures, including expulsion.

#### **4 Ways to Reduce Your Risk of Sexual Assault, Rape or Sexual Battery:**

1. Remember: Alcohol can distort your judgment.
2. Drugs can distort your judgment.
3. Say what you mean. Be up front. Be clear about your limits.
4. It's NEVER too late to say "NO" or to leave if you are in a bad situation.

**GET HELP** - If you are sexually assaulted, go to a safe place immediately and get help.

- Call the National Rape Hotline at (800) 656-HOPE. You will be connected to a counselor at your local rape crisis center who can provide you with options and support.
- Call the police or go to a hospital.

**PRESERVE EVIDENCE** - Evidence may be collected and held even if you haven't decided whether to prosecute. If evidence is not preserved, prosecution may be difficult or impossible to attain. Even if some time has gone by, evidence may still be found in your clothing, sheets or bedding if they haven't been washed.

- Do not shower, brush your teeth or change your clothing.
- If you think you have been drugged, get a urine sample at the hospital.



- Have a doctor document your injuries.
- Even if you choose not to have a forensic sexual assault examination, you should see a doctor to be treated for sexually transmitted diseases and pregnancy. By law, however, the doctor is required to report the assault to the police.

**Reporting sexual assault is an important part of ending violence against women and ensuring that the attacker won't rape again! Whether or not to report sexual assault is a personal decision, however, remember that no one is allowed to have sex with another without legal consent.**

**YOUR RIGHTS** - In the State of California, a victim of sexual assault has the right to request that his or her name and address be kept confidential. You also have the right to a victim advocate and at least one other support person present with you at any follow-up interview with law enforcement, prosecutors and defense attorneys.

If you need help or need to report a sexual assault, call the San Diego Rape Hotline:  
(858) 272-1767